



**Child Development
Division**

**MANAGEMENT
BULLETIN**

Subject: CHANGES IN LAW AFFECTING CHILD CARE AND DEVELOPMENT PROGRAMS	Number: 04-03
Authority: AB 300 (Chapter 552, Statutes of 2003)	Date: January 2004
	Expires: Until Rescinded

**ATTENTION: EXECUTIVE OFFICERS AND PROGRAM DIRECTORS OF ALL
CHILD CARE AND DEVELOPMENT PROGRAMS**

PURPOSE

The purpose of this Management Bulletin is to provide child care and development contractors with a description of the programmatic changes made necessary as a result of passage of Assembly Bill 300 (Chapter 552, Statutes of 2003) enacted in the last legislative session.

BACKGROUND

One of the bills enacted by the Legislature in the last session was AB 300, the Department's omnibus technical cleanup bill. In that bill, which is effective January 1, 2004, the Department made a number of technical changes such as eliminating outdated references to federal statutes. The bill includes three significant changes made to *Education Code* section (§)8263.

STATUTORY REQUIREMENT

1. *Education Code* §8263(a)(2) was renumbered for clarity. The revised Code section now separates "need of the family" into two categories: one based on need of the child and the other based on need of the parents. The law, as revised, reads as follows:
 - (a)(2) A family needs the child care service because
 - (A) the child is identified by a legal, medical, social service agency, or emergency shelter as
 - (i) a recipient of protective services or
 - (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or

- (B) because the parents are
 - (i) engaged in vocational training leading directly to a recognized trade, paraprofession, or profession,
 - (ii) employed or seeking employment,
 - (iii) seeking permanent housing for family stability, or
 - (iv) incapacitated.

2. *Education Code* §8263(b), the section describing priorities for enrollment, was changed so that now all child care and development programs have the same enrollment priorities for both federal and state-funded contracts. The law as revised is shown below. The changed portion is underlined for easy identification. In addition, you will note in the underlined section that the Legislature made an error in the language. We requested that they use the term “exceptional needs” in both of the underlined sentences, but they used the term “special needs” in the second instance. We have requested a correction in next year’s cleanup legislation.

- (b) Except as provided in Article 15.5 (commencing with Section 8350), priority for state and federally subsidized child development services is as follows:
 - (1) First priority shall be given to neglected or abused children who are recipients of child protective services, or recipients who are at risk of being neglected or abused, upon written referral from a legal, medical, or social service agency. If an agency is unable to enroll a child in the first priority category, the agency shall refer the family to local resource and referral services to locate services for the child.
 - (2) Second priority shall be equally given to eligible families, regardless of the number of parents in the home, who are income eligible. Within this priority, families with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by the superintendent, shall be admitted first. When two or more families are in the same priority in relation to income, the family that has a child with exceptional needs shall be admitted first. If there is no family of the same priority with a child with special needs, the same priority family that has been on the waiting list for the longest time shall be admitted first. For purposes of determining order of admission, the grants of public assistance recipients shall be counted as income.

3. *Education Code* §8263(c) is the section that permits transfer of families between agencies in order to promote continuity of care. The current law limited such transfers to programs in the same county, which is a barrier for families, particularly those living near a county border. To address this problem, the revised section eliminates the last three words of the current law. The revised version of this Code section reads as follows. The eliminated words are shown in ~~strikeout~~.

- (c) Notwithstanding any other law, in order to promote continuity of services, a family enrolled in a state or federally funded child care and development program whose services would otherwise be terminated because the family no longer meets the program income, eligibility, or need criteria may continue to receive child development services in another state or federally funded child care and development program if the contractor is able to transfer the family's enrollment to another program for which the family is eligible prior to the date of termination of services or to exchange the family's existing enrollment with the enrollment of a family in another program, provided that both families satisfy the eligibility requirements for the program in which they are being enrolled. The transfer of enrollment may be to another program within the same administrative agency or to another agency that administers state or federally funded child care and development programs ~~within that county~~.

Questions regarding the information in this Management Bulletin should be addressed to the assigned Child Development Division Field Services Consultant.

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<p>This Management Bulletin is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this Management Bulletin that is not supported by a specific statutory and/or regulatory requirement is not prescriptive pursuant to Education Code 33308.5.</p>
